THE AUTHORSHIP AND DATE OF PUBLICATION OF *SIREN INTERMEDIA* (AMPHIBIA: CAUDATA)

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ABSTRACT.— However "just" it might be to credit LeConte, 1828, with *Siren intermedia*, both Harlan, 1826 (not 1827 as often cited), and Barnes, 1826, antedate LeConte's proposal of the name. As the earliest, Barnes, 1826, stands credited with it. In analysis of precedent for these conclusions, types of taxonomic plagiarism (calculated vs. innocent, homoplagiarism vs. heteroplagiarism) and the distinctions between *nomina nuda* and *nomina dubia* are reviewed, giving examples of each category.

Martof (1973: 1-3), in the most recent review of *Siren intermedia*, notes that the earliest full description of the species in LeConte (1828: 133-134, pl. 1) actually was antedated by a brief but nominally occupying characterization, credited to LeConte, that appeared in a work by Harlan (1826: 322), dated 1827 by Schmidt (1953: 14) and others.

Two points merit observation in this context: (1) the particular page on which the "description" of *Siren intermedia* appeared in Harlan's work was actually published in 1826, *fide* the 1913 Index to the Scientific Contents of the Journal and Proceedings of the Academy of Natural Sciences of Philadelphia, p. viii; and (2) there is reason to accept the author of this "description" as Harlan, not LeConte. Harlan "read" his paper at the 12 Dec. 1826 meeting of the Academy, and accordingly the pages published in 1826 (pp. 317-324) must have appeared sometime after 12 Dec., the remainder (pp. 325-372) in February 1827, according to the Index. The article was completed in no. 1 of vol. 6 of the Journal (pp. 7-38) appearing in March 1827 *fide* the same source.

The author of the description appearing in Harlan (1826: 322) is clearly Harlan, not LeConte, despite the fact that Harlan attributed the name to LeConte and stated (in a footnote) that the material on this species was sourced from "manuscript notes." The characterization obviously was written by Harlan, not LeConte, as becomes evident when one consults LeConte's formal description that appeared in 1828. Harlan seemingly saw the LeConte ms. and published in his own words the name and certain characters cited in the ms. The acknowledgment of source does not nullify applicability of Art. 50 of the International Code of Zoological Nomenclature (ICZN, 1964: 49), which states, "The author . . . of a scientific name is . . . the person . . . who first publishes it in a way that satisfies the criteria of availability, unless it is clear from the contents of the publication that . . . some other person is *alone* responsible for both the name and the conditions that make it available" (italics ours).

LeConte obviously was responsible for the name but equally clearly was not responsible for the "description" that "satisfies the criteria of availability." Harlan obviously wrote the description; and despite his apparent wish to the contrary, the present rules would require that he be regarded as author of the name in zoological nomenclature if indeed his account were the earliest to have appeared.

There is ample precedent for crediting the immediate source of any given name and its characterization, however questionable may be the derivation of either, for that name. This policy unfortunately rewards plagiarism with permanence unless the International Commission on Zoological Nomenclature intercedes. On the other hand, plagiarism seldom occurs, either inadvertently or deliberately. Nevertheless, it does occur on occasion, and the Code requires that the perpetrator bear responsibility for his act, whether it be innocent or calculated. Examples of calculated plagiarism are provided by Thompson's three privately printed notices of 1912; the first two antedated Van Denburgh's competitive advance diagnosis of 1912, and although Thompson's descriptions are sourced directly from Van Denburgh's manuscript, insofar as they antedate Van Denburgh's descriptions

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they are accepted under the Code as valid (see Barbour, 1917, for details).

Examples of innocent taxonomic plagiarism fall into two categories: self-plagiarism (or homoplagiarism) and heteroplagiarism. A medium for frequent homoplagiarism is Dissertation Abstracts, wherein summaries of doctoral dissertations occasionally include sufficient information with a new name or a new combination to occupy them; for example Walker's abstract (1967) includes sufficient information on two new names (*Cnemidophorus gularis rauni*, *C. g. semiannulatus*) to occupy both, whereas it was intended that these names not be entered into nomenclature before full documentation could be provided (full descriptions have not even yet appeared). A similar case occurred in another journal (Harris, 1974), wherein a photograph and brief notice of some characteristics of a new subspecies of rattlesnakes was accompanied by a name (*Crotalus willardi obscurus*), thus occupying the name in advance of the intended date and work which was then in press.

An example of heteroplagiarism occurred with inadvertent mention of *Palmatotriton* by Smith (1945), who used the name under the impression that his former professor, E. H. Taylor, had a ms. in press establishing the genus, and that the casual mention in the popular journal would be meaningless. Unfortunately Taylor had decided against erection of the genus, and, more regrettably, Smith's use of the name was accompanied by a few incidental comments inadvertently serving to occupy the name nomenclaturally. It was necessary to appeal to the International Commission on Zoological Nomenclature to "deoccupy" *Palmatotriton* as of Smith, 1945, making the name available for use by anyone else, in any desired sense (ICZN, 1956).

In all these examples, including that of Harlan, it is clear that intent has nothing to do with result; only the briefest characterization, in but a few words, may serve to occupy a name even when not so intended, and the person responsible is the one presenting those words, even though he may not have intended to receive that responsibility.

In this context it is important to recognize that a name may be occupied even though its characterization may be inadequate for definitive allocation to its proper taxon in nature; such names are *nomina dubia* despite the fact that they are occupied names. There is a rather wide misapprehension that a full characterization is required in order to occupy a new name, but this is not so. *Nomina dubia* are often rendered identifiable (i.e., *nomina clara*) by subsequent provision of further details, as is true in the case of *Siren intermedia*. Harlan's description, although adequate to occupy the name were it the original usage, would not alone have sufficed for allocation; but with LeConte's full account, no doubt remains. As of Harlan, *Siren intermedia* is a *nomen dubium*; as of LeConte, it became a *nomen clarum* although occupied at an earlier date by another author. Harlan's usage was not of a *nomen nudum*, which is nonexistent nomenclaturally, because it *did* provide some distinguishing information. The Code makes clear (Art. 13) that *any* "statement that purports to give characters differentiating the taxon" (italics ours) suffices to occupy an accompanying name, and practice has conformed with this liberal rule.

In the case of *Siren intermedia*, however, the comedy of errors did not really begin with Harlan, even of 1826. There is a still earlier usage that occupied the name. Barnes (1826: 269, footnote) saw or otherwise knew of LeConte's ms and rendered the name *Siren intermedia* available in almost precisely the same way that Harlan's work would have done had it been the earliest usage. The Barnes footnote follows: "*Additional note communicated by the author, Aug. 15, 1826.* The delay in the printing of this paper has given the author an opportunity of announcing, in this place, the discovery of ANOTHER NEW SPECIES OF SIREN, by Capt. LECONTE. It belongs to this section, and is called by its discoverer *Siren intermedia*. In its color it resembles the *Lacertina*, and in its gills, the *Striata;* but it has peculiar characters of its own, which will be explained at length in a paper soon to be published in the Annals of the Lyceum. Length about one foot, inhabits the Southern states in large numbers. Specimens are preserved in the Cabinet of the Lyceum. Fig. Annals of the Lyceum, Vol. 2, fig. 1." That Barnes knew of LeConte's description long be-

fore its publication is not surprising, inasmuch as he was the "Recording Secretary of the New York Lyceum," as indicated (p. 268) in his 1826 paper. Only by the close familiarity permitted by such an association could he have known some two years in advance of publication that LeConte's account would appear in Volume 2 and incorporate Figure 1 of the Annals of the Lyceum!

The Harlan and Barnes works were both dated 1826, but the Harlan paper appeared very late in the year—certainly after December 12—whereas the Barnes paper, read before the Lyceum in July 1825, was surely published shortly after 15 August 1826, when Barnes inserted his footnote on *S. intermedia*. We have not been able to pinpoint the exact date of publication of either work, but the evidence that Barnes' work preceded that of Harlan is overwhelming.

The same generalities pertinent to Harlan's use of the name *Siren intermedia* are equally pertinent to the earlier Barnes usage. Barnes actually must be regarded as the author of *Siren intermedia* (which accordingly dates from 1826), unless the case is appealed to the ICZN, asking for rejection of the contributions of both Barnes and Harlan on that species, giving LeConte (1828) priority. The effort is not warranted, however, since the significance of the case is grossly inadequate to justify the protracted, laborious protocol involved in ICZN action. Custom dictates that suspension of the rules be requested only for names of relatively broad familiarity among zoologists; the present certainly does not fall into that category.

We are accordingly left with the conclusion that the proper citation for the species under consideration is *Siren intermedia* Barnes, 1826.

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